

Present: Hon. Thomas J. McAvoy

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ROBERT J. POULSON and
MARGARET A. POULSON,

Plaintiffs,

-against-

THE BLACK & DECKER CORPORATION,
Defendant.

ORDER

3 04-CV-0331TJM/DEP

Pursuant to the oral decision of the Court, entered into the record after hearing oral argument on August 8, 2005, in Albany, New York, it is hereby

ORDERED that:

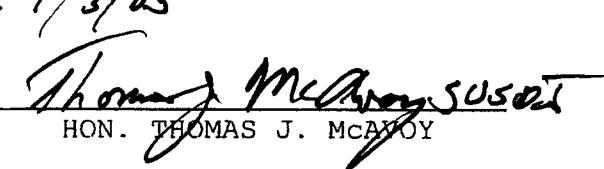
1. Defendant's Motion for Summary Judgment is Denied without prejudice to renew ^{limited to the issue of spoliation} in conformity with the Judge's decision; and

2. It is further Ordered that plaintiffs' claim of design defect is hereby dismissed with prejudice; and

3. It is further Ordered that an evidentiary hearing will be held on the issue of spoliation in conformity with the Judge's decision; and

4. It is further Ordered that a further deposition of James McHale ^{may} ~~will~~ be conducted on or before September 9, 2005.

IT IS SO ORDERED. 9/3/05


HON. THOMAS J. McAVOY